

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1, 8, and 16 being the independent claims. Claim 18 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 5, 8, 13, and 16 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that claims 3 and 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Objection to the Specification

The disclosure was objected to because of informalities. Applicants have amended the specification as suggested by the Examiner. Reconsideration and withdrawal of the objection are therefore respectfully requested.

Objection to the Abstract

The abstract of the disclosure was objected to because the "phrase 'the invention' is improper language since it is a phrase, which implies." (Office Action, p. 2). Without acquiescing to the propriety of the objection, Applicants have amended

the abstract to remove references to "the invention." Reconsideration and withdrawal of the objection are therefore respectfully requested.

Objections to the Claims

Claims 5 and 13 were objected to because of typographical errors. Claims 5 and 13 were amended as suggested by the Examiner. Reconsideration and withdrawal of the objection are therefore respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1, 5-8, 11-14, and 16-20 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Smith, et al, U.S. Patent No. 6,813,651 (Smith). Applicants respectfully traverse this rejection.

Smith does not teach or suggest each and every feature of original independent claim 1 and amended independent claims 8 and 16. Smith describes an "interface device [that] allows communication between a 1394 device and an Ethernet via an 802.3 PHY." (Smith, Abstract). In Smith, to indicate the speed of the link, "a preamble byte is first transmitted." (Smith, col. 7, lines 22-40). Additionally, "[d]ata padding is used to make up for the difference in speeds between the 1394 link and 802.3 PHY." (Smith, col. 7, lines 40-43). In Smith, for S800 mode, four bytes of data are transmitted followed by a one byte pad byte during a 5-byte interval. (Smith, col. 7, lines 44-56). For S400 mode, during the 5-byte interval, two bytes of data are sent, then the two bytes of data are resent. The final byte transmitted in S400 mode is an "XOR function of the first and second bytes received from the link." (Smith, col. 7, line 57 - col. 8, line 2). Finally, in S200 and S100 mode, the interface device extends the 4-bit and 2-bit portion into eight bits by duplicating the 4 bits once for S200 mode

and duplicating the 2-bit portion four times. (Smith, col. 8, lines 4-16). Smith does not describe or suggest appending a data type identifier to each byte in the data stream during the padding process.

Thus, Smith does not teach or suggest method including, at least, "appending to each byte in said first data stream a data type identification (DTID), thereby creating a technology independent data stream having a first bit rate," as recited in original independent claim 1. Smith also does not teach or suggest a communications reconciliation sub-layer including, at least, "a transmit data type identification (DTID) circuit coupled to an output of a first transmission medium for appending a DTID to each byte in an original data stream thereby generating a technology independent data stream at first bit rate that represents the original data stream from said first transmission medium," as recited in amended independent claim 8. Smith further does not teach or suggest a communications sub-layer including, at least "means for appending a data type identification to each byte in said first data stream thereby creating a technology independent data stream from said first data stream, said technology independent data stream having a first bit rate," as recited in amended independent claim 16.

For at least these reasons, original independent claim 1 and amended independent claims 8 and 16 are patentable over Smith. Claims 5-7 depend from claim 1; claims 11-14 depend from claim 16; and claims 17-20 depend from claim 16. For at least the above reasons, and further in view of their own features, dependent claims 5-7, 11-14, and 17-20 are patentable over Smith. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2 and 10 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith in view of Cheung, U.S. Patent Publication No. 2004/0039866 (Cheung). Claims 9 and 15 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith. Applicants respectfully traverse this rejection.

Claim 2 depends from claim 1 and claim 10 depends from claim 8. Cheung does not overcome all the deficiencies of Smith relative to original independent claim 1 and amended independent claim 8 described above. For at least those reasons, and further in view of their own features, dependent claims 2 and 10 are patentable over the combination of Smith and Cheung.

Claims 9 and 15 depend from claim 8. As described above, Smith does not teach or suggest each and every feature of amended independent claim 8. Accordingly, claims 9 and 15 are patentable over Smith.

Reconsideration and withdrawal of the above rejections are therefore respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason,

that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Lori A. Gordon', with a stylized flourish at the end.

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